

GREENBERG TRAURIG, LLP
ERIC V. ROWEN (SBN 106234)
rowene@gtlaw.com
JONATHAN S. GOLDSTEIN (SBN 318990)
jonathan.goldstein@gtlaw.com
1840 Century Park East, Suite 1900
Los Angeles, California 90067
Telephone: 310.586.7700
Facsimile: 310.586.7800

DURAN & CEDILLO
Manuel Duran (SBN 189102)
manuel@duran-cedillo.com
4532 Cesar E. Chavez Ave.
Los Angeles, California 90022
Tel: (323) 881-1811
Fax: (323) 881-9580

*Attorneys for Plaintiffs Carson Hybrid Energy Storage LLC
and CMD Carson LLC.*

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CARSON HYBRID ENERGY STORAGE,
LLC, a California limited liability company;
CMD Carson LLC, a Delaware limited liability
company,

Plaintiffs,

v.

TURLOCK IRRIGATION DISTRICT; and
DOES 1 through 20, inclusive,

Defendants.

Case No. 1:23-cv-00460-JLT-EPG

Hon. Erica P. Grosjean

**STIPULATION TO EXTEND STATE
COURT TEMPORARY RESTRAINING
ORDER UNDER FED. R. CIV. P. 65(b)(2)**

Date Filed: March 9, 2023

Date Removed: March 27, 2023

1
2 Pursuant to Rule 65(b)(2) of the Federal Rules of Civil Procedure, Plaintiffs Carson Hybrid
3 Energy Storage, LLC and CMD Carson LLC (“Plaintiffs”), and Defendant Turlock Irrigation District
4 (“Defendant”), by and through respectfully counsel of record, requests that the Court grant the parties’
5 stipulation to extend the temporary restraining order entered by the Superior Court of California,
6 Stanislaus County, on March 16, 2023 until June 9, 2023.

7 WHEREAS, on March 9, 2023, Plaintiffs filed a complaint for breach of contract seeking
8 specific performance and injunctive relief, an ex parte application for a temporary restraining order and
9 order to show cause re: a preliminary injunction in the Superior Court of Stanislaus County, California
10 (the “Superior Court”);

11 WHEREAS, Plaintiffs served Defendant and its counsel with a copy of the complaint for breach
12 of contract seeking specific performance and injunctive relief, an ex parte application for a temporary
13 restraining order and order to show cause re: a preliminary injunction;

14 WHEREAS, on March 16, 2023, the Superior Court held a hearing on Plaintiffs’ ex parte
15 application for a temporary restraining order, at which Plaintiffs’ counsel and Defendant’s counsel
16 appeared and presented argument;

17 WHEREAS, on March 16, 2023, and following the hearing, the Superior Court granted
18 Plaintiffs’ request and issued a temporary restraining order, effective until May 12, 2023, enjoining
19 Defendant from “enforcing its 30 day deadline set in its February 17, 2023 letter to Carson Hybrid
20 Energy Storage, LLC and from withdrawing Plaintiffs’ interconnection request”;

21 WHEREAS, the Superior Court did not require Plaintiffs to post a bond;

22 WHEREAS, the Superior Court scheduled a hearing on Plaintiff’s request for a preliminary
23 injunction for May 12, 2023, ordered Defendant to file and serve any opposition papers by April 21,
24 2023 and ordered Plaintiffs to file any reply by February 28, 2023;

25 WHEREAS, on March 17, 2023, Plaintiffs served Defendant with the temporary restraining
26 order and order to show case re a preliminary injunction;

27 WHEREAS, on March 27, 2023, Defendant removed the above captioned case to this Court;

1 WHEREAS, under *Granny Goose Foods v. Bhd. of Teamsters & Auto Truck Drivers*, 415 U.S.
2 423, 439-40 (1974), 28 U.S.C. § 1450, and Federal Rule of Civil Procedure 65(b)(2), the Superior
3 Court's temporary restraining order remains in force for 14 days after removal, or until April 10, 2023;

4 WHEREAS, Plaintiffs intend to file a motion to remand but do not anticipate that Plaintiffs can
5 do so or that the Court can hear or resolve the motion to remand before the Superior Court's temporary
6 restraining order expires on April 10, 2023;

7 WHEREAS, to preserve scarce judicial resources and avoid burdening the Court with a motion to
8 remand and a contemporaneous motion for preliminary injunction;

9 **IT IS HEREBY STIPULATED** between Plaintiffs and Defendant, subject to the Court's
10 approval, that:

11 1. The Court shall enter the Order attached below to extend the temporary restraining order
12 issued by the Superior Court to June 9, 2023;

13 2. Plaintiffs shall file a motion to remand and notice a hearing as soon as practicable on or
14 before June 9, 2023.

15 **IT IS SO STIPULATED.**

16
17
18 DATED: April 7, 2023

GREENBERG TRAURIG, LLP

19
20 By _____
21 Eric V. Rowen
22 *Attorneys for Plaintiffs Carson Hybrid Energy Storage LLC*
and CMD Carson LLC.

23 DATED: April 7, 2023

DURAN & CEDILLO

24
25 By _____
26 Manuel Duran
27 *Attorneys for Plaintiffs Carson Hybrid Energy Storage LLC*
and CMD Carson LLC.

DATED: April 7, 2023

DUNCAN & ALLEN, LLP

By _____

Jon R. Stickman
DUNCAN & ALLEN LLP
1730 Rhode Island Ave., NW, Suite 700
Washington, D.C., 20036

Attorney for Defendant Turlock Irrigation District

ORDER

Pursuant to the parties' stipulation, IT IS HEREBY ORDERED THAT:

1. Defendant Turlock Irrigation District, and its agents, servants, employees, representatives, and anyone acting on their behalf or at their direction and control are hereby restrained and enjoined until June 9, 2023 from enforcing its 30-day deadline set in its February 17, 2023 letter to Carson Hybrid Energy Storage, LLC and from withdrawing Plaintiff's interconnection request.
2. Notwithstanding the above, the Parties are informed that the undersigned will be unavailable on official travel from June 9 through June 16, 2023. In the first instance, the Court will defer to the Parties to determine whether they wish to advance their proposed hearing and briefing schedule or submit a supplemental stipulation that will permit the hearing to be noticed for after June 16.

IT IS SO ORDERED.

Dated: **April 10, 2023**


UNITED STATES DISTRICT JUDGE